



SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

July 18, 2014

Office of U.S. Senator Barbara Boxer  
312 N. Spring St., Suite 1748  
Los Angeles, CA 90012

To The Honorable Senator Boxer:

Yesterday, the Santa Monica-Malibu Unified School District received a copy of a press release issued by PEER, a Washington D.C. based environmental advocacy group, containing information that confirms the District's concern that our environmental work is being politicized to advocate for differing expert and public opinions.

On behalf of the staff, students and school community in the Santa Monica-Malibu Unified School District, I seek your assistance.

As you know, questions regarding environmental health, specifically related to PCBs, were raised last fall when three employees at the Malibu Middle/High School reported that they had been diagnosed with thyroid cancer.

From the outset, the District promised to work with the experts, never claiming to have the environmental or health expertise to design the proper work product. The Board of Education gave strict direction that all concerned parties must be assured the schools are safe to occupy and that safe health limits will be set by the environmental experts, not arbitrarily, but based on science.

The District committed to relying on experts and government regulatory and oversight agencies to guide our work; that is what we are doing. But advocacy groups have engaged their own set of experts and disseminated data in a fashion that is designed to undermine this work even before completed. As I know you have been contacted by some of these groups, I felt it was important at this juncture to update you on the district's activities and solicit any input you may have.

PEER, the group that has most sharply criticized the District for lack of transparency, apparently secretly gathered samples from school buildings outside of the testing process that has been established with the oversight, review and approval of the leading government agencies, the Environmental Protection Agency (EPA) and Department of Toxic Substances and Control (DTSC).

The fact that PEER would surreptitiously gather data, then release it in a manner that incites concerns and questions, has led me to ask for assistance in navigating these political waters and the conflicting opinions that we hear from various agencies and experts.

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**

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**Board of Education:** Ben Allen • Oscar de la Torre • José Escarce • Maria Leon Vazquez • Laurie Lieberman • Ralph Mechur • Nimish Patel  
Sandra Lyon, Superintendent

To my mind, at the heart of this matter is answering the school community's question, "Is the school safe?" This is what we are seeking to answer with the help of highly credible experts. However, our work is being undermined by secretive and misguided steps that are taking the focus away from the question we all seek to answer, and PEER is manipulating this situation for its own political purposes.

### Experts Engaged

Even before PEER's recent press release, the District, the EPA, and the DTSC knew that some caulk at MHS contained PCBs and were taking steps to assess whether it was causing unsafe conditions in the school. Previous testing at MHS had identified the Library and Blue Building Rooms 1, 5, and 8 as having caulk that tested greater than 50 ppm PCBs (a regulatory threshold for EPA's Toxic Substances Control Act or TSCA regulations). EPA's Fact Sheet on PCBs in Caulk discusses how the presence of PCBs in building materials is known to occur in schools built between 1950 and 1979 and in some cases, PCBs of 100,000 ppm or higher can be found (<http://www.epa.gov/pcbsincaulk/pdf/caul-fs.pdf>). In the EPA's report on New York schools, PCB concentrations as high as 440,000 ppm have been detected in caulk.

This is why the District, with input from a community panel, engaged Environ, a highly reputable environmental engineering firm, to work under the direction, review and approval of the EPA and the DTSC to create and execute a thorough data collection, testing and cleaning program. The planning for this program began in February 2014, and the execution began in June 2014. The Environ contract was finalized on May 1, 2014 (the contract and work product can be found online at [http://www.smmusd.org/PublicNotices/EnvironAgreement\\_rev0514.PDF](http://www.smmusd.org/PublicNotices/EnvironAgreement_rev0514.PDF)).

EPA and DTSC are responsible for air/environment/building materials and soil, respectively. Leaders at both agencies have reviewed, modified and accepted testing plans developed by Environ and the District. The District has cooperated fully with all requests the agencies have made regarding the testing and work plans. The plans were also developed after considering community input.

While the presence and concentration of PCBs in caulk and glazing or other building materials determine regulatory applicability of TSCA to the material, the building materials themselves do not represent the direct exposure pathway for building occupants. Because potential exposures to PCBs can occur through breathing or direct contact of dusts, the current work includes an assessment of whether unsafe levels of PCBs exist in air or dusts that occupants of the schools could be exposed to.

The testing taking place includes air and surface testing for PCBs inside buildings, both pre- and post-cleaning, to ensure that our schools are within the EPA's health protective standards, for students and teachers and that our cleaning procedures adequately reduce potential exposures to PCBs. The work also includes testing of soils, soil gas, and groundwater under the direction of DTSC.

### Chain of Custody

The PEER release, dated July 17, 2014, confirms that "dirt" and building material samples were taken from sites on a Saturday in May 2014, just after Environ's release of the draft PCB plan in April and presentation of its PCB plan to the Board for review and two weeks before Environ and DTSC had outlined its plans for the Board and school community to review, modify and accept.

The samples were not collected in cooperation with Environ, the EPA or DTSC. The samples were gathered without the knowledge of the District.

This clandestine approach to data collection does not confirm chain of custody, meaning we cannot confirm precisely where samples were gathered or the fidelity of the gathering and testing process – two critical standards that the District would most certainly be held to and that are standard scientific practices to produce reliable data.

While this is of concern, the greater concern is that PEER has now verified the District's suspicion that they have little interest in a highly informed and neutral data collection, analysis and action. It is clear they seek to create fear, confusion and concern. We want to be sure that our fundamental questions on safety are answered and a responsible and scientific plan to evaluate this is put in place.

I do not deny any person or group the right to advocate for their position, but I can no longer tolerate these intentionally disruptive activities while trying to oversee implementation of the plan reviewed and approved by the EPA and DTSC.

### Background

Last spring, Dr. Cyrus Rangan of the Los Angeles County Department of Public Health (DPH) met with the employees to address their questions and concerns and presented the summary of employee health questionnaires submitted to the DPH. At this meeting, he read from a PowerPoint slide that stated, "DPH does not find evidence of unusual cancer rates or occurrences at Malibu. DPH does not recommend further testing of the school environment to establish correlations with human disease." (This presentation is available on the district website: <http://www.smmusd.org/PublicNotices/DPHResponse-Cancer0214.pdf>.)

However, the fact that employees face a serious illness has never, not for one minute, been lost on the District. We knew then and continue to believe that the questions raised about the health of the school must be answered by experts.

In December 2013, representatives from the EPA and DTSC met in an open study session with the Board of Education, which was conducted at Malibu City Hall to ensure convenience for the Malibu employees and residents. At this meeting, the experts were asked, "Is the school safe?" "Would you let your child attend this school?" Both Mr. Steve Armann, PCB Program Coordinator with EPA Region IX, and Mr. Thomas Cota, Branch Chief with DTSC, affirmed that they would send their children to attend these Malibu schools.

### District Actions To Date

All information related to these tests can be found on the District's website: <http://www.smmusd.org/PublicNotices/Malibu.html>.

I welcome the opportunity to meet with you and further discuss this issue. Should we meet, I invite you to include the EPA and DTSC, so that you can see the full picture of how we are working with the appropriate government agencies and experts to address our district's concerns.

Our commitment to work collaboratively and transparently with the community, considering their input and concerns, remains. We continue to be hopeful that all stakeholders would embrace this same commitment in working with the District until this matter is resolved.

Thank you for your kind consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Sandra Lyon", with a long horizontal flourish extending to the right.

Sandra Lyon  
Superintendent  
Santa Monica-Malibu Unified School District